

UNAPPROVED MINUTES

COUNCIL MEETING

February 22, 2010

A regular meeting of the Council of the City of Salem, Virginia, was held in Council Chambers, City Hall, 114 North Broad Street, on February 22, 2010, at 7:30 p.m., there being present all the members of said Council, to wit: Byron Randolph Foley, John C. Givens, Jane W. Johnson, William D. Jones, and Lisa D. Garst; with Byron Randolph Foley, Mayor, presiding; together with Kevin S. Boggess, City Manager; James E. Taliaferro, II, Assistant City Manager and Clerk of Council; Frank P. Turk, Director of Finance; Melinda J. Payne, Director of Planning and Economic Development; Charles E. Van Allman, Jr., City Engineer; Mike Stevens, Communications Director; and Stephen M. Yost, City Attorney; and the following business was transacted:

The February 8, 2010, regular meeting minutes were approved as written.

The report by the City Manager of the City's activities for January 2010 was received and ordered filed.

The report by the Director of Finance of the City's financial status for a seven-month period ending January 31, 2010, was received and ordered filed.

Mayor Foley reported that the order of the items on the agenda would be adjusted in an effort to allow person(s) who need to leave prior to the end of the meeting an opportunity to do so.

Mayor Foley requested that Council receive a presentation from Beth Doughty, Executive Director, Roanoke Regional Partnership, regarding the 2009 Annual Report; and

WHEREAS, Beth Doughty, Executive Director, Roanoke Regional Partnership (Partnership), appeared before the Council to discuss the 2009 Roanoke Regional Partnership Annual Report; she stated that there are three areas the Partnership works in—business recruitment, image building, and asset development; she stated that business recruitment/business activity was bad everywhere in 2009, more so in the second half of 2009; she stated that overall business recruitment/activity was down approximately 25 percent in 2009; she stated that information assistance increased 125 percent in 2009; VEDP (Virginia Economic Development Partnership), a state economic development organization, is part of the “funnel” of projects that comes to the Partnership; she further stated that the majority of the biggest and best projects will go

ITEM 1
PRESENTATION
FROM BETH
DOUGHTY,
EXECUTIVE
DIRECTOR,
ROANOKE
REGIONAL
PARTNERSHIP,
REGARDING 2009
ANNUAL REPORT

through VEDP, which is why the Partnership has made it a priority to have the best possible relationship with VEDP; she discussed the Salem portion of the report; she stated that projects in Salem were up 50 percent in 2009, overall inquiries were down, and overall prospects were down; she stated that Salem did not have as bad of a year in 2009 as the region overall in terms of activity; she stated that there was a change in the type of businesses the Partnership worked with in 2009—more energy, consultant, information technology, data center, and warehousing and distribution projects; she further discussed other aspects of the report, the importance of image building, the Partnership’s website, etc.; and

WHEREAS, Councilman Jones questioned how the first six weeks of 2010 compared with the first six weeks in 2009; and

WHEREAS, Ms. Doughty stated that the Partnership has been very busy, mostly in February; she stated that the Partnership currently has five active projects; and

WHEREAS, Councilwoman Johnson questioned if valley-wide events are being listed in publications; and

WHEREAS, a discussion was held regarding upcoming articles/”stories” concerning the Roanoke Valley; how information was disseminated to businesses, etc.;

THEREUPON, said presentation was received.

ITEM 3
CERTIFICATES OF
PUBLIC
CONVENIENCE
AND NECESSITY
ISSUED FOR THE
NEXT TWELVE
MONTHS
BEGINNING APRIL
1, 2010

Mayor Foley reported that this date and time had been set to hold a public hearing in accordance with Section 98-94 of The Code of the City of Salem, Virginia, to consider the issuance of Certificates of Public Convenience and Necessity for the next twelve (12) months beginning April 1, 2010; the public hearing was set at the January 25, 2010, meeting; notice of such hearing was advertised in the February 8, 2010, issue of The Roanoke Times, a newspaper having general circulation in the City of Salem; and

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILMAN JONES, AND DULY CARRIED, Certificates of Public Convenience and Necessity for the operation of public vehicles (taxicabs) within the City of Salem are hereby issued to the following for the year beginning April 1, 2010: Yellow Cab Services, Inc. for forty (40) vehicles; Salem Taxi for six (6) vehicles; Quality Transportation Company for five (5) vehicles; and Delivery Boys, Inc. for

one (1) vehicle -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

Mayor Foley requested that Council consider approval of the Memorandum of Understanding for the Roanoke Area Criminal Justice Information Network Agreement (RACJIN); and

ITEM 5
MEMORANDUM
OF UNDER-
STANDING FOR
THE RACJIN
APPROVED

WHEREAS, Salem Police Chief Jeff Dudley appeared before the Council to explain the proposal—Salem has joined forces with Roanoke City, Vinton, and Roanoke County and some have received some state grants through the Department of Criminal Justice Services to get the project started; he stated that the records management systems will be tied together so that if something is queried in Salem, it also will run a check in Roanoke City, Roanoke County, and Vinton as well; he further stated that the Tidewater area and Danville currently utilize the system and it has been very productive; he stated that he hopes to include other localities in the network as the project moves forward; and

WHEREAS, Councilman Jones questioned the cost of the project; and

WHEREAS, Chief Dudley stated that the grant funding received so far is approximately \$600,000; the cost to the City of Salem so far has been \$11,000; he stated that year three and four have not been paid for yet and will cost approximately \$8,000 per year; he further stated that Salem's portion has been funded through drug asset forfeiture money;

ON MOTION MADE BY COUNCILWOMAN GARST, SECONDED BY COUNCILWOMAN JOHNSON, AND DULY CARRIED, the Memorandum of Understanding for the Roanoke Area Criminal Justice Information Network Agreement (RACJIN) was hereby approved -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

Mayor Foley requested that Council consider adopting Resolution 1154 closing Main Street on September 11, 2010, for Olde Salem Days festivities; and

WHEREAS, Skip Lautenschlager, Salem Rotary Club, appeared before Council in support of the resolution to close Main Street on September 11, 2010, for Olde Salem Days festivities;

ITEM 6
RESOLUTION 1154
ADOPTED
CLOSING MAIN
STREET ON
SEPTEMBER 11,
2010, FOR OLDE
SALEM DAYS
FESTIVITIES

ON MOTION MADE BY COUNCILWOMAN JOHNSON, SECONDED BY VICE MAYOR GIVENS, AND DULY CARRIED, Resolution 1154 closing Main Street on September 11, 2010, for Olde Salem Days festivities was hereby adopted:

(HERE SET OUT RESOLUTION 1154)

-- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

ITEM 7
MARCH 22, 2010,
MEETING AND
WORK SESSION
POSTPONED UNTIL
MARCH 23, 2010,
DUE TO ANDREW
LEWIS
PRESENTATION IN
RICHMOND

Mayor Foley requested that Council consider postponing the March 22, 2010, Council meeting and work session to Tuesday, March 23, 2010, due to the Andrew Lewis presentation to the Governor in Richmond, Virginia; and

WHEREAS, the City Manager stated that City Council members have been invited to attend the presentation of the bust of General Andrew Lewis to the Governor for display in the Capital Building, which is scheduled for Monday, March 22, 2010;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILMAN JONES, AND DULY CARRIED, the March 22, 2010, Council meeting and work session was postponed to Tuesday, March 23, 2010, due to the Andrew Lewis presentation to the Governor in Richmond, Virginia -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

ITEM 8
DALE P. LEE AND
BRUCE PORTER
REAPPOINTED TO
IDA; GARY L. EANES
RECOMMENDED
FOR
REAPPOINTMENT
TO BZA

Mayor Foley requested that Council consider appointments to fill vacancies on various boards and commissions;

ITEM 2
DENIED REQUEST
OF VALLEY
PROPERTIES, LLC
AND L&M
PROPERTIES, LLC,
PROPERTY
OWNERS, FOR
REZONING THE
PROPERTIES
LOCATED AT 250
AND 316
BRAXTON AVENUE
AND TWO
PARCELS IN THE
800 BLOCK OF
HARRISON
AVENUE FROM
RSF TO LM

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILWOMAN JOHNSON, AND DULY CARRIED, Dale P. Lee and Bruce Porter were hereby reappointed to the Industrial Development Authority of the City of Salem for four-year terms, said terms will expire March 9, 2014; and Gary L. Eanes was hereby recommended for reappointment to the Board of Zoning Appeals for a five-year term, said term will expire March 20, 2015 -- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

Mayor Foley reported that this date and time had been set to hold a public hearing and consider an ordinance on first reading rezoning the property

of Valley Properties, LLC and L & M Properties, LLC, property owners, for rezoning the properties located at 250 and 316 Braxton Avenue and two parcels in the 800 block of Harrison Avenue (Tax Map Numbers 73-3-1, 2, & 3, and 84-2-1) from RSF Residential Single Family District to LM Light Manufacturing District; notice of such public hearing was published in the February 3 and 10, 2010, issues of The Roanoke Times; and

WHEREAS, the Planning Commission at its meeting held February 10, 2010, recommended approval of said request; and

WHEREAS, staff noted the following: the subject property consists of four parcels, generally along the east side of Braxton Avenue between Elam Drive and Harrison Avenue; the properties are mostly former residential lots and total approximately 2.18 acres; the lots are currently vacant; this request is to rezone these properties to allow construction of an employee parking area and a truck-loading area; if approved, the lots will be combined, along with Tax Map #s 84-2-2 and 73-3-4, as well as a portion of an unopened alley for which there is a separate request, to form the parking and loading area; the proposed plan shows a 10-foot landscaping strip along Braxton Avenue and Elam Drive to help buffer the parking area; smaller landscaping areas will be installed along Harrison Avenue and adjacent to other properties; in accordance with Section 106-400, the applicants will be required to submit a site plan to the city for review prior to any construction occurring on the site; the applicants may also be required to install storm water management on the site; future expansion of the parking and loading areas, or expansion of the stormwater management areas may occur on the southern end of the site; if this occurs, a site plan may be required at that time; and

WHEREAS, Maryellen F. Goodlatte of Glenn Feldmann Darby & Goodlatte, representing the property owners, appeared before the Council in support of the rezoning request; she stated that John Lipscomb and David McCray, owners, are also present at the meeting; she stated that Mr. Lipscomb and Mr. McCray own the large warehouse facility that formally housed Stuart-McGuire, Home Shopping Network, and now a number of smaller tenants; she stated that they also own lots adjacent to the warehouse; she stated that the property owners are requesting that four of the adjacent lots be rezoned from RSF to LM so that the lots can be used to provide safe parking and access for employees and trucks using the warehouse; she presented and explained the concept plan to Council; she stated that except for the residential properties across Braxton Avenue and Elam Drive, the other properties adjoining the parcel are all zoned LM; she further stated that the property owners need to construct loading docks on the western side of the warehouse in order to serve tenants on

that side of the building; she stated that the warehouse facility is approximately 540,000 square feet; however, it lacks loading areas and parking areas to serve tenants on the western side of the building; currently loading docks and employee parking areas are located off of Brand Avenue, which work well for the eastern and southern sides of the large building, but are not acceptable for tenants wanting space in the western or northern side of the building; she stated that the lack of loading and parking areas for the western and northern sides of the building makes over 200,000 square feet of the building essentially unmarketable; she stated that the rezoning request is not just an enhancement to the building, it is also essential; she further stated that she knows that a number of commercial brokers familiar with the building have sent letters emphasizing the critical need to solve the parking and truck loading problems in order to make space in the northwestern section of the warehouse marketable; she stated that one letter notes that a prospect that would have created around 65 jobs, took the site off of its list because the parking and truck loading facilities were not acceptable; she stated that there are a number of prospects the owners have lost due to the inadequate parking and truck docking facilities in the northern end of the building; she discussed how the current economy affects how the building is marketed, the types of tenants interested in the building, what is needed to make the building more marketable, etc.; she stated that access to the parking lot would be only from Harrison Avenue—there will be no access from Braxton Avenue; a landscape buffer yard would run along Harrison, Braxton, and Elam; she further stated that last Friday evening John Lipscomb and she met with neighbors and Councilwoman Garst was also present at the meeting; she stated that a perimeter landscape plan developed by Lumsden and Associates was presented at the meeting; she stated that the plan depicts a 25-foot landscape buffer along Braxton Avenue and Elam Drive; the plantings are principally fast-growing evergreen with deciduous trees for interest and variety; behind the 25-foot landscape buffer, a six-foot high board-on-board fence will be installed; the landscaping will be on the neighborhood side of the fence creating an attractive border for the neighborhood; she stated that a neighborhood sign would be provided and would be constructed and placed at the intersection of Harrison Avenue and Braxton Avenue; she further stated that the landscape plan shown to the neighbors, which is the one being presented to Council, would be voluntarily proffered as a condition of the rezoning; she stated that the owners have submitted written proffers to Council, which include compliance with the landscape plan; she stated that the owners also included other proffers based on concerns raised by neighbors on Friday; she discussed the proffers offered by the owners: 1. the property will be used only for parking, ingress, egress, truck loading, and/or storm water management facilities (if required); no more than 80 parking spaces shall be developed on the property; access to and from the property shall be only from Harrison Avenue; 2. perimeter landscape buffering

for the property will be done in substantial conformity with the conceptual landscape buffer plan and sign sketch for Valley Properties, LLC and L&M Properties, LLC made by Lumsden Associates, P.C., dated February 16, 2010, subject to such changes as may be required by the City of Salem during site plan review; 3. Between the hours of 11:00 p.m. and 7:00 a.m., trucks shall not be permitted to use the loading docks which will be created and accessed via the property; 4. all lighting near residential property lines shall be shielded "cut off" types to internalize illumination and avoid spillover to adjacent residential properties and public roads; and 5. until such time as a signed letter of intent from a potential tenant or user of the adjacent warehouse is received by the owner of the property, no site plan for the development of the property shall be submitted to the City of Salem by the owner of the property; she stated that the Planning Commission has recommended Council approve the request unconditionally without any limitations imposed on the property by the proffers; she further stated that the Planning Commission did not seek any of the proffers currently being offered by the owners and the recommendation of the Planning Commission is very much appreciated; she stated that the owners want to do everything possible to be responsive to neighbors' concerns while still being able to assure prospective tenants that close parking and adequate loading docks would be available for use; she asked that Council approve the rezoning request with the proffered conditions; she stated that the property owners and Kevin Barnes with Lumsden and Associates are available to answer any questions; and

WHEREAS, Wayne Harris and Gertrude Harris, 239 Braxton Avenue, appeared before the Council opposed to the request; she stated that she has lived at her residence since 1945, she worked for the City of Salem in the Parks and Recreation Department for 23 years and retired in 1987; she stated that she and her neighbors love living in their community and have worked very hard to keep the community a wonderful place to live; she asked that the neighbors of the Braxton Heights Community to stand; she asked Council to deny the request to rezone the four lots from RSF to LM; she questioned why additional parking and loading docks were needed because there are 155 parking spaces near the main entrance on Brand Avenue; she stated that she does not feel that the owners are utilizing the parking that is already available for the building; she further stated that Council heard a similar request in 1987 and the Council at that time were very kind and demonstrated its support for the neighborhood to be free of disruptions caused by industrial and commercial establishments; she stated that the lots requested to be rezoned are in close proximity to many of the homes located on Braxton Avenue and Crystal Drive; she further stated that if the lots are rezoned, there will be an increase in traffic and noise in the neighborhood, which will disturb the peace and quiet of the neighborhood, as well as the feeling of security and safety of the neighborhood; she stated that

she loves to sit on the front porch of her house and talk to her neighbor in the morning; neighbors like to walk around the neighborhood; she stated that if the property is rezoned, it will change everything in the neighborhood; she asked Council to support the Braxton Heights neighborhood and allow them to continue to live in their single family district; she thanked Council for listening to her; and

WHEREAS, Edward Hrinyz, 238 Braxton Avenue, appeared before the Council; he stated that he believes that everyone in the room can agree that creating new jobs in the City, particularly in the current economy, would be a good thing; he stated that he also believes that placing a parking lot and a truck loading zone in a residential neighborhood would be detrimental to the neighborhood; he stated that no one would want truck loading docks as close to their home as Mr. Lipscomb is proposing to build close to his home; he stated that is what Council has to decide—how to balance what is good for the community with what is good for a neighborhood; he stated that Mr. Lipscomb led the Planning Commission to believe that not only is the rezoning request the best way to attract new customers for that portion of the building, it was the only way; he further stated that Mr. Lipscomb has stated that he has exhausted every avenue to rent the space; he disagrees and believes he has a better plan which will maintain the integrity of the neighborhood and help Mr. Lipscomb rent the facility; he asked Council to deny the rezoning request which will encourage the petitioners to explore other options; he passed out visual aids to Council and the petitioners and explained his ideas as to why the property has not been able to attract new tenants (poor upkeep of parking lots, etc.); he again asked Council to deny the rezoning request and make the petitioners clean up the property in an attempt to attract new tenants; he thanked Council for their time; and

WHEREAS, Shermaine Greenhowe, 812 Elam Drive, appeared before the Council and stated that she is currently the only person who lives on Elam Drive; she stated that there used to be other homes around her, but once Stuart McGuire and then Home Shopping occupied the building, the homes were moved; she stated that you enter her driveway, you see the back of her home; she stated that she hears noise at 2 and 3 in the morning where trucks are being loaded; she stated that she lives alone and she has concerns about what rezoning this property would do the neighborhood; she further stated that times are getting dangerous and when you bring in new people, you do not know what you are bringing in; she stated that her grandmother built the home she lives in back in 1967 and she has personally owned the home for 23 years; she stated that she was born in Philadelphia and she would never go back there to live because she loves Salem; she further stated that when people come to visit, they

talk about how beautiful and quiet the neighborhood is; she stated she is concerned about the increase of truck traffic and trash that would happen if the property was rezoned; she thanked Council for listening to her; and

WHEREAS, Jo Ann Hale, 728 Harrison Avenue, appeared before the Council and stated that she built her home in 1992 and shortly thereafter the City placed curbing along the front and side of her home; she stated that after the curbing was placed, the tractor trailers would pull up in front of her home, start to back up, and would back up over the curb into her yard, and then back down Braxton Avenue; she stated that the curbing is starting to break and crack from the tractor trailers; she further stated that she agrees with what has already been said—she doesn't think it would be appropriate to put a parking lot where it is proposed; and

WHEREAS, Mayor Foley questioned if the truck traffic was from the warehouse only, or was it from VDOT also; and

WHEREAS, Ms. Hale stated that the truck traffic is from the warehouse only; she stated that VDOT does not turn around near her home; and

WHEREAS, Maxine Joiner Wright, 1705 Lonna Drive, Roanoke, appeared before Council representing her mother Parthena Joiner who lives at 729 Crystal Drive; she stated that her mother's property is adjacent to the property requested to be rezoned; she stated that she grew up in the neighborhood; she stated that she is concerned about the lighting associated with the proposed parking lot; she questioned how many lights would be located in the parking lot and on the building, how the lights would be angled, etc.; she questioned how the proposed development would affect insects and the rodent population; she also questioned if an environmental study had been done to see how the proposed changes for noise, light, and exhaust would impact the neighborhood; she stated that it is a nice, quiet neighborhood, and the residents enjoy their neighborhood; she asked Council to deny the request for rezoning and asked Council members to consider if they would like to have the proposed parking lot next door to their homes; and

WHEREAS, Dustin Cupp, 238 Braxton Avenue, appeared before the Council and stated that when he asked several of his co-workers what were three things they thought of when they heard of Salem, they responded with the following: 1. amazing ability to remove snow from the roads, 2. different sporting events, and 3. residential opportunities—Salem is a place to raise a family and it's a place to retire; he stated that he asked approximately 15 to 20 people the same question, and none of them said the industrial and commercial

opportunities that were provided in Salem; he further stated that for every Yokohama and GE manufacturing-type facility in Salem, there is a Home Shopping, Valleydale, and Rowe Furniture type facility that has either gone out of business or decided to leave the City of Salem; he discussed the employment rate decreases/increases by the top employers located in the City of Salem; he stated that the petitioner stated that there was a potential lessee that would hire approximately 65 employees and was a textile manufacturer; he further stated that he looked up what the textile industry was projected to do through the Virginia Employment Commission and found that from 2006 to 2016, the VEC projected a 22.69 percent decline in western Virginia alone; the western Virginia area includes the counties of Alleghany, Botetourt, Craig, Franklin, and Roanoke, and the cities of Covington, Roanoke, and Salem; he discussed other statistics regarding the textile and manufacturing industry; he further stated that he feels the petitioner should keep the parcels zoned RSF and build approximately four homes on the parcels in order to generate guaranteed revenue for the City; he presented Council with a petition signed by 40 members of the neighborhood opposed to the rezoning; he requested that conditions be placed on the property if Council approves the rezoning request; he requested that a condition be that no truck loading docks could be placed on the parcels requested to be rezoned and no trucks be allowed to enter the facility after normal business hours; he further requested that if Council decides to approve the rezoning request, the parking area on East Main Street should be deeded back to the City of Salem by a conservation easement so that the area can be returned to a green space to replace a green space that will be taken away; he cited areas of the City's Comprehensive Plan that support his views; he further stated that the neighbors are opposed to the rezoning request; and

WHEREAS, Emily Whiteside, 716 Crystal Drive, appeared before the Council and stated that this is the first time she has lived in Salem, she grew up in Franklin County; she stated that she is opposed to the rezoning request; she stated that the wooded lots could stay as they are, could become a park, or could turn into homes for families; she asked Council to deny the rezoning request; and

WHEREAS, Lewis Barker, 324 North Broad Street, appeared before the Council and stated that he and his father have owned a house at 233 Braxton Avenue for almost 24 years and one of the selling points for renting the home is the quiet neighborhood; he stated that the proposed 25-foot buffer is not enough for a 500,000 square foot warehouse; he stated that he feels that what is currently in place is what is best for the neighborhood and does not support the rezoning request; and

WHEREAS, Maryellen Goodlatte reappeared before the Council and asked John Lipscomb, one of the property owners, to appear before Council to discuss the layout of the building and how parking relates to the building, etc.; and

WHEREAS, John Lipscomb appeared before the Council to address a few of the concerns from the neighbors; he stated that the project has been approached with trepidation because of its close proximity to a residential neighborhood; he stated that the project was planned with Lumsden and Associates so that there would not be additional traffic on Braxton Avenue or Elam Drive; he further stated that they have tried to be sensitive to the needs of the Braxton Heights residents and he respects everything that has been said; he went on to discuss the parking needs for the property, the upgrades that have been done to the building, the need for additional truck docks, the concerns of the neighbors, etc.; and

WHEREAS, Maryellen Goodlatte reappeared before the Council and stated that Council may have questions, but she wanted Mr. Lipscomb to be able to “walk” Council through the schematic of the building and why the docks and parking lot were needed; she stated that the lots requested to be rezoned would provide parking and access to the building and that the additional docks themselves would be attached to the building, which is already zoned LM; and

WHEREAS, Mayor Foley questioned the total number of functional docks currently located at the entire facility; and

WHEREAS, Mr. Lipscomb stated that there are approximately 35 or so docks; he stated that some are not full docks; and

WHEREAS, Mayor Foley questioned how many parking spaces are currently located on the property; and

WHEREAS, Mr. Lipscomb stated that he did not know an exact number; he would use Ms. Harris’ figures; and

WHEREAS, Wayne Harris stated that there were 155—55 spaces are by the main entrance to the building, 80 across the street on Brand, and the number of spaces on the old Oakey field area were not counted; and

WHEREAS, Councilman Jones questioned the number of docks that could be used at one time; and

WHEREAS, a discussion was held regarding loading docks; and

WHEREAS, Councilman Jones questioned who would maintain the proposed sign, fence, and landscaping; and

WHEREAS, Mr. Lipscomb stated that the petitioners would maintain the fence and landscaping; and

WHEREAS, a discussion was held regarding adjacent property presently zoned LM that is not owned by the petitioners, lighting, truck traffic, security, configuration of the building, stormwater management, etc.; and

WHEREAS, Maryellen Goodlatte reappeared before the Council and further reiterated the conditions the petitioners are willing to proffer, and how the petitioners are trying to be respectful of the surrounding neighborhood, etc.; and

WHEREAS, Maxine Joiner Wright reappeared before the Council to again ask Council to deny the rezoning request; and

WHEREAS, Maryellen Goodlatte reappeared before the Council after the initial motion and second were given to request that Council let the petitioners know if Council believes that additional work needs to be done so that an opportunity can be given to work on what Council believes needs work; etc.; she further stated that if the rezoning request is denied, the petitioners cannot come back before Council with a request for a long period of time, which is not particularly a good thing for a piece of property to be placed in “limbo”; she asked that Council deliberate openly so that the petitioners will have a chance to understand where Council may be heading; and

WHEREAS, Mayor Foley stated that there has been a motion and a second and questioned if the petitioners would like to withdraw before there was a vote; and

WHEREAS, Ms. Goodlatte stated that the petitioners do not wish to withdraw their request, but may be interested in asking Council to consider the request if there are concerns from the majority of Council that the request is not yet at the point where Council feels comfortable approving the request; and

WHEREAS, Councilman Jones reiterated his motion;

ON MOTION MADE BY COUNCILMAN JONES, SECONDED BY COUNCILWOMAN GARST, AND DULY CARRIED, the request of Valley Properties, LLC and L & M Properties, LLC, property owners, for rezoning the properties

located at 250 and 316 Braxton Avenue and two parcels in the 800 block of Harrison Avenue (Tax Map numbers 73-3-1, 2, and 3, and 84-2-1) from RSF Residential Single Family District to LM Light Manufacturing District was hereby denied – the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

Mayor Foley reported that this date and time had been set to hold a public hearing and consider Resolution 1153 appointing viewers to vacate and close a certain remaining portion of a 10 foot +/- alley located at the intersection of Braxton Avenue across from Crystal Drive; notice of such public hearing was advertised in the February 4 and 11, 2010, issues of the Salem Times Register, a newspaper published and having general circulation in the City of Salem; and

WHEREAS, Maryellen Goodlatte appeared before the Council and stated that this is a “paper” alley which is being requested to be vacated; she stated that the property on either side of the alley is owned by the same owner; and

WHEREAS, Wayne Harris, 3704 Lake Drive, SW, Roanoke, appeared before the Council and stated that he grew up at 239 Braxton Avenue; he stated that he has a question regarding the alley; he stated that he is not aware of any remnants of an alley being located in the area; he questioned if the alley that is requested to be closed is simply on a map, a paper alley, but does not exist; and

WHEREAS, it was noted that it is a paper alley that is being requested to be closed;

ON MOTION MADE BY VICE MAYOR GIVENS, SECONDED BY COUNCILWOMAN JOHNSON, AND DULY CARRIED, Resolution 1153 appointing viewers to vacate and close a certain remaining portion of a 10 foot +/- alley located at the intersection of Braxton Avenue across from Crystal Drive was hereby adopted:

(HERE SET OUT RESOLUTION 1153)

-- the roll call vote: Lisa D. Garst – aye, William D. Jones – aye, Jane W. Johnson – aye, John C. Givens – aye, and Byron Randolph Foley – aye.

There being no further business to come before the Council, the same on motion adjourned at 9:30 p.m.

ITEM 4
RESOLUTION 1153
ADOPTED
APPOINTING
VIEWERS TO
VACATE AND
CLOSE A CERTAIN
REMAINING
PORTION OF A 10
FOOT +/- ALLEY
LOCATED AT THE
INTERSECTION OF
BRAXTON AVENUE
ACROSS FROM
CRYSTAL DRIVE